

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-10, and 12-18 are pending in this case. Claims 10 and 12-18 are withdrawn. Claims 1, 10, and 18 are amended by the present amendment. Amended Claims 1, 10, and 18 are supported by the original disclosure,<sup>1</sup> and therefore add no new matter.

In the outstanding Office Action, Claims 1, 3, 4, and 9 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga (U. S. Patent No. 5,819,646) in view of Kobaru et al. (U.S. Patent Application Publication No. 20010026717, hereinafter "Kobaru") as evidenced by Hobson et al. (U.S. Patent No. 5,744,241, hereinafter "Hobson"). Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Kobaru and further in view of Suzuki et al. (U.S. Patent No. 4,796,046, hereinafter "Suzuki"). Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Kobaru and further in view of Ream et al. (U.S. Patent No. 6,284,373, hereinafter "Ream").

With regard to the rejection of Claim 1 as unpatentable over Fukunaga in view of Kobaru as evidenced by Hobson, that rejection is respectfully traversed.

Amended independent Claim 1 recites:

a substrate surrounding an aperture configured to receive a heater;  
an elastic layer including heat resistance rubber provided on the substrate, ***said elastic layer not including any oxidized material***; and  
a separation layer including fluorocarbon resin provided on said elastic layer, said elastic layer including silicone rubber and/or fluorosilicone rubber as a major component, ***said separation layer not including any cracks***,  
wherein said fluorocarbon resin has a tensile strength such that a 30  $\mu$ m coating film baked at 340°C has a tensile strength equal to or greater than 25 MPa, and

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<sup>1</sup>See, e.g., the specification at page 10, lines 5-13.

the separation layer has a temperature lower than an oxidation starting temperature of the heat resistance rubber when the separation layer is baked on the elastic layer.

The outstanding Office Action apparently cited elastic layer 25 of Fukunaga as “an elastic layer and resin layer 26 of Fukunaga as “a separation layer.”<sup>2</sup> However, no part of Fukunaga, even the cited Example 1 of Fukunaga, describes that elastic layer 25 does not include any oxidized material. As noted in the present specification, by avoiding any oxidation of the claimed elastic layer, deterioration of this layer can be avoided. As deterioration of the elastic layer leads to cracks in the separation layer, cracks in the separation layer are also avoided by the claimed invention. In this regard, Fukunaga also fails to describe that the resin layer 26 does not include any cracks. Accordingly, Fukunaga does not teach or suggest “an elastic layer” or “a separation layer” as defined in Claim 1. Further, it is respectfully submitted that neither Kobaru nor Hobson teach or suggest either of these elements either. Consequently, Claim 1 (and Claims 3-9 dependent therefrom) is patentable over Fukunaga in view of Kobaru as evidenced by Hobson.

With regard to the rejection of Claims 5 and 6 as unpatentable over Fukunaga in view of Kobaru and further in view of Suzuki, it is noted that Claims 5 and 6 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Suzuki does not cure any of the above-noted deficiencies of Fukunaga and Kobaru. Accordingly, it is respectfully submitted that Claims 5 and 6 are patentable over Fukunaga in view of Kobaru and further in view of Suzuki.

With regard to the rejection of Claims 7 and 8 as unpatentable over Fukunaga in view of Kobaru and further in view of Ream, it is noted that Claims 7 and 8 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Ream does not cure any of the above-noted

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<sup>2</sup>See the outstanding Office Action at page 3, lines 1-3.

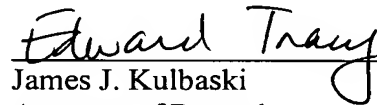
deficiencies of Fukunaga and Kobaru. Accordingly, it is respectfully submitted that Claims 7 and 8 are patentable over Fukunaga in view of Kobaru and further in view of Ream.

With regard to withdrawn Claims 10 and 12-18, it is respectfully requested that these claims be rejoined and allowed in accordance with MPEP §821.04, as Claims 10 and 18 are amended to include the subject matter recited in Claim 1 which is believed to be allowable.

Accordingly, the pending claims and the present application are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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